

Appendix 2 – Officer's Recommended Decisions on Submissions (Notable Trees)

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Officer recommendation	Relevant section of S42A Report
S282.001	Chorus New Zealand Limited, Spark New Zealand Trading Limited, Spark TowerCo Limited, Vodafone New Zealand Limited	ROOTZONE AREA	Oppose	The current definition makes use of an Australian standard and is generally difficult to apply for a plan user.	Amend definition of 'rootzone area' to align with the following: 'The circular area of ground around the trunk of a protected tree, the radius of which is the greatest distance between the trunk and the outer edge of the canopy. For columnar crown species the protected root zone is half the height of the tree.'		Accept in part	Section 5.2.1 Key Issue 1: Definition
S421.130	Northland Federated Farmers of New Zealand	Overview	Not Stated	Federated Farmers supports the recognition and identification of notable trees which are of importance to the district and its communities. However, it is considered that it will be important if the notable tree/s is/are located on private land that engagement between the Council and landowners needs to occur to ensure that the tree is best managed for future generations. This can be achieved through a mixture of regulatory and non-regulatory methods.	Amend the Overview to include a sentence that discusses the need for engagement to occur between the Council and landowners over how best to achieve the protection of a notable tree or trees or wording with similar intent		Rejected	Section 5.2.2 Key Issue 2: Overview
FS570.1362	Vision Kerikeri 3		Oppose	Oppose to the extent that the submission is inconsistent with our original submissions.	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Accept	Section 5.2.2 Key Issue 2: Overview
FS346.364	Royal Forest and Bird Protection Society of New Zealand Inc.		Oppose	The amendments sought will result in a loss of indigenous biodiversity values which is inconsistent with council's functions and responsibilities under section 31(1)(b)(iii) and Section 6 the RMA and do not give effect to the RPS, NPSFM, NPSIB and the NZCPS.	Disallow	Disallow the original submission	Accept	Section 5.2.2 Key Issue 2: Overview

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FS566.1376	Kapiro Conservation Trust 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Accept	Section 5.2.2 Key Issue 2: Overview
FS569.1398	Vision Kerikeri 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Accept	Section 5.2.2 Key Issue 2: Overview
S483.128	Top Energy Limited	NT-01	Not Stated	It is important that the protection of notable trees is balanced with enabling the safe and efficient use, development, maintenance, operation and upgrading of infrastructure and network utilities. Top Energy considers that NT-01 should be amended to include wording to this effect.	Amend Objective NT-01 as follows: Notable Trees and groups of trees which contribute to the botanical, ecological, historical, cultural or amenity value of the District are identified and protected, while enabling the safe and efficient use, development, maintenance, operation, repair and upgrading of infrastructure and network utilities.		Reject	Section 5.2.2 Key Issue 2: Overview
FS196.205	Joe Carr		Support		Allow		Reject	Section 5.2.2 Key Issue 2: Overview
FS131.022	Oromahoe Land Owners: AW and DM Simpson, R.A.S Ltd, Arran Trust, Garry Stanners, Errol McIntyre, SW Halliday, SJ and PM Boys, Oromahoe 18R2B2B2 Trust and Tapuaetahi Incorporation		Oppose	The original submission appears to be seeking discretion to override existing constraints the proposed FNDP endeavours to use to protect Notable trees.	Disallow	Disallow the original submission (inferred).	Accept	Section 5.2.2 Key Issue 2: Overview
FS345.179	Ngawha Generation Limited		Support	NGL is a subsidiary of Top Energy Limited. NGL supports	Allow	Allow all of the relief sought by Top Energy Limited in	Reject	Section 5.2.2 Key Issue 2: Overview

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				all submission points made by Top Energy.		its submission (S483).		
S356.054	Waka Kotahi NZ Transport Agency	NT-01	Support	not stated	Retain NT-01 as notified		Accept	Section 5.2.3 Key Issue 3: NT-01
FS369.344	Top Energy		Support in part	Top Energy seeks to amend this objective to enable the safe and efficient use, development, maintenance, operation and upgrading of infrastructure and network utilities	Allow in part	Amend	Reject	Section 5.2.3 Key Issue 3: NT-01
S399.054	Te Hiku Iwi Development Trust	NT-P1	Not Stated	Point b. of Policy NT-P1 requires that the STEM assessment be taken into account when considering cultural values. The STEM assessment is irrelevant to an assessment of cultural values.	Amend point b. of Policy NT-P1 as follows: The tree or group of trees have significant cultural values and are identified in either the relevant iwi/hapū management plan or in a Cultural Impact Assessment for the site, taking into account any assessment undertaken under the STEM including heritage, amenity, botanical and/or ecological values.		Accept in part	Section 5.2.4 Key Issue 4: NT-P1
S483.129	Top Energy Limited	NT-P2	Not Stated	It is important that this policy refers to notable trees specifically, and enables safe and efficient use and operation of infrastructure or network utilities.	Amend Policy NT-P2 as follows: Enable the pruning and trimming of branches on Notable Trees where the works will: a. retain or improve the health of the notable tree; and b. allow the regular maintenance pruning of the notable tree; or c. will improve public safety, or prevent damage to property or infrastructure; or		Accept in part	Section 5.2.5 Key Issue 5: NT-P2

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					<p>d. Enable the safe and efficient use and operation of infrastructure or network utilities.</p> <p>e. control any other maintenance works to ensure that the works will:</p> <p>i. maintain the health, form and shape of the tree; and</p> <p>ii. be supervised or undertaken by a suitably qualified and experienced arborist.</p>			
FS196.206	Joe Carr		Support		Allow		Accept in part	Section 5.2.5 Key Issue 5: NT-P2
FS345.180	Ngawha Generation Limited		Support	NGL is a subsidiary of Top Energy Limited. NGL supports all submission points made by Top Energy.	Allow	Allow all of the relief sought by Top Energy Limited in its submission (S483).	Accept in part	Section 5.2.5 Key Issue 5: NT-P2
S454.079	Transpower New Zealand Ltd	NT-P2	Support	Transpower supports the inclusion of a notable trees policy to address works that need to occur on notable trees to maintain the National Grid.	<p>Amend Policy NT-P2 as follows:</p> <p>Enable the pruning and trimming of branches notable trees where the works will:</p> <p>a. retain or improve the health of the notable tree;</p> <p>b. allow the regular maintenance of the notable tree;</p> <p>c. will improve public safety, or prevent damage to property or infrastructure;</p> <p>d. control any other maintenance works to ensure that the works will:</p>		Accept in part	Section 5.2.5 Key Issue 5: NT-P2

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					i. maintain the health, form and shape of the tree; and ii. be supervised or undertaken by a suitably qualified and experienced arborist			
FS369.345	Top Energy		Support in part	Top Energy seeks to amend this policy to refer to notable trees specifically and enable the safe and efficient operation of infrastructure.	Allow in part	Amend	Accept in part	Section 5.2.5 Key Issue 5: NT-P2
S483.130	Top Energy Limited	NT-P3	Not Stated	Top Energy considers that this policy needs to expressly refer to infrastructure and that it should be 'or' between a and b, not 'and.'	Amend Policy NT-P3 as follows: Only allow activity, infrastructure and or development within the root zone area of a notable tree or group of trees where: a. it is demonstrated that the activity, infrastructure and or development will not be detrimental to the long-term health and significance of the tree or group of trees; and or b. there is a functional or operational need for the activity, infrastructure or development to occur within the root protection area and there are no other practical alternative locations.		Reject	Section 5.2.6 Key Issue 6: NT-P3 Addressed in Right of Reply Section 3.3.4 Top Energy Limited – NT-P3
FS196.207	Joe Carr		Support		Allow		Reject	Section 5.2.6 Key Issue 6: NT-P3 Addressed in Right of Reply Section

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Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Officer recommendation	Relevant section of S42A Report
								3.3.4 Top Energy Limited – NT-P3
FS345.181	Ngawha Generation Limited		Support	NGL is a subsidiary of Top Energy Limited. NGL supports all submission points made by Top Energy.	Allow	Allow all of the relief sought by Top Energy Limited in its submission (S483).	Reject	Section 5.2.6 Key Issue 6: NT-P3 Addressed in Right of Reply Section 3.3.4 Top Energy Limited – NT-P3
S331.040	Ministry of Education Te Tāhuhu o Te Mātauranga	NT-P3	Support	The submitter supports policy NT-P3 and acknowledges the historic heritage, amenity, cultural, botanical or ecological values of notable trees. However, there may be an operational need to locate educational facilities within the root zone area of a notable tree or group of trees.	Retain policy NT-P3, as proposed.		Accept	Section 5.2.6 Key Issue 6: NT-P3
FS369.346	Top Energy		Support in part	Top Energy seeks to amend this policy to refer to notable trees specifically and enable the safe and efficient operation of infrastructure.	Allow in part	Amend	Reject	Section 5.2.6 Key Issue 6: NT-P3
S454.080	Transpower New Zealand Ltd	NT-P3	Support	Transpower supports the inclusion of this policy in the FNPDP	Retain Policy NT-P3		Accept	Section 5.2.6 Key Issue 6: NT-P3
FS369.347	Top Energy		Support in part	Top Energy seeks to amend this policy to refer to notable trees specifically and enable the safe and efficient operation of infrastructure.	Allow in part	Amend	Reject	Section 5.2.6 Key Issue 6: NT-P3
S483.131	Top Energy Limited	NT-P4	Support	Top Energy support this policy as proposed	Retain Policy NT-P4		Accept	Section 5.2.15 Key Issue 15: Polices and Rules Addressed in the Right of Reply Section 3.3.3 Top Energy Limited – NT-P2

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Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Officer recommendation	Relevant section of S42A Report
FS345.182	Ngawha Generation Limited		Support	NGL is a subsidiary of Top Energy Limited. NGL supports all submission points made by Top Energy.	Allow	Allow all of the relief sought by Top Energy Limited in its submission (S483).	Accept	Section 5.2.15 Key Issue 15: Polices and Rules Addressed in the Right of Reply Section 3.3.3 Top Energy Limited – NT-P2
S454.081	Transpower New Zealand Ltd	NT-P4	Support	Transpower supports the inclusion of this policy in the FNPDP.	Retain Policy NT-P4		Accept	Section 5.2.15 Key Issue 15: Polices and Rules
FS369.348	Top Energy		Support	Top Energy seeks to retain this policy as notified	Allow in part	Retain	Accept	Section 5.2.15 Key Issue 15: Polices and Rules
S498.065	Te Rūnanga Ā Iwi O Ngāpuhi	NT-P5	Support	The submitter supports policy NT-P5 but seeks a stronger policy direction and compliance measures when dealing with Notable Tree matters. This is in response to both historic and recent cases where significant trees have been destroyed or tampered with, without any recourse.	Amend policy NT-P5 to implement stronger Council approaches to monitoring and enforcement.		Accept in part	Section 5.2.7 Key Issue 7: NT-P5
FS151.111	Ngāi Tukairangi No.2 Trust		Support		Allow		Accept in part	Section 5.2.7 Key Issue 7: NT-P5
FS23.233	Des and Lorraine Morrison		Support	It is important that provisions are consistent with Treaty principles and recognise and provide for Māori interests, including (but not limited to) appropriate economic development of their land.	Allow	Allow the relief sought to the extent consistent with our primary submission.	Accept in part	Section 5.2.7 Key Issue 7: NT-P5
FS369.352	Top Energy		Support in part	Top Energy seeks to amend this policy to refer to notable trees specifically and enable the safe and efficient operation of infrastructure	Allow in part	Amend	Accept in part	Section 5.2.7 Key Issue 7: NT-P5
S483.132	Top Energy Limited	NT-P5	Not Stated	The wording of this policy needs to be updated to include direction on infrastructure for the removal of trees.	Amend point a of Policy NT-P5 as follows: a. there is an imminent threat to the safety of		Accept in part	Section 5.2.7 Key Issue 7: NT-P5

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				In Top Energy's opinion, it is important that tree removal is provided for where it poses a serious threat to not just public safety, but also the safe and efficient use and operation of infrastructure or network utilities.	people and property, or to the safe and efficient use and operation of infrastructure or network utilities; or			
FS196.208	Joe Carr		Support		Allow		Accept in part	Section 5.2.7 Key Issue 7: NT-P5
FS131.023	Oromahoe Land Owners: AW and DM Simpson, R.A.S Ltd, Arran Trust, Garry Stanners, Errol McIntyre, SW Halliday, SJ and PM Boys, Oromahoe 18R2B2B2 Trust and Tapuaetahi Incorporation		Oppose	The original submission appears to be seeking discretion to override existing constraints the proposed FNDP endeavours to use to protect Notable trees.	Disallow	Disallow the original submission (inferred).	Accept in part	Section 5.2.7 Key Issue 7: NT-P5
FS345.183	Ngawha Generation Limited		Support	NGL is a subsidiary of Top Energy Limited. NGL supports all submission points made by Top Energy.	Allow	Allow all of the relief sought by Top Energy Limited in its submission (S483).	Accept in part	Section 5.2.7 Key Issue 7: NT-P5
S356.055	Waka Kotahi NZ Transport Agency	NT-P5	Support	not stated	Retain NT-P5 as notified		Accept in part	Section 5.2.7 Key Issue 7: NT-P5
FS369.349	Top Energy		Support in part	Top Energy seeks to amend this policy to refer to notable trees specifically and enable the safe and efficient operation of infrastructure	Allow in part	Amend	Accept in part	Section 5.2.7 Key Issue 7: NT-P5
S390.064	Te Runanga o Ngai Takoto Trust	NT-P5	Support	The submitter supports policy NT-P5 but seeks a stronger policy direction and compliance measures when dealing with Notable Tree matters. This is in response to both historic and	Amend policy NT-P5 to implement stronger Council approaches to monitoring and enforcement.		Accept in part	Section 5.2.7 Key Issue 7: NT-P5

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				recent cases where significant trees have been destroyed or tampered with, without any recourse.				
FS369.350	Top Energy		Support in part	Top Energy seeks to amend this policy to refer to notable trees specifically and enable the safe and efficient operation of infrastructure	Allow in part	Amend	Accept in part	Section 5.2.7 Key Issue 7: NT-P5
S486.078	Te Rūnanga o Whaingaroa	NT-P5	Support	Te Rūnanga o Whaingaroa would further seek a stronger policy direction and compliance measures when dealing with Notable Tree matters. This is in response to both historic and recent cases where significant trees have been destroyed or tampered with, without any recourse.	Retain Policy NT-P5 but implement stronger Council approaches to monitoring and enforcement.		Accept in part	Section 5.2.7 Key Issue 7: NT-P5
FS369.351	Top Energy		Support in part	Top Energy seeks to amend this policy to refer to notable trees specifically and enable the safe and efficient operation of infrastructure	Allow in part	Amend	Accept in part	Section 5.2.7 Key Issue 7: NT-P5
S483.133	Top Energy Limited	NT-P6	Support	Top Energy generally support the inclusion of this policy regarding potentially relevant matters for the consideration of resource consents under this chapter	Retain Policy NT-P6		Accept in part	Section 5.2.8 Key Issue 8: NT-P6
FS345.184	Ngawha Generation Limited		Support	NGL is a subsidiary of Top Energy Limited. NGL supports all submission points made by Top Energy.	Allow	Allow all of the relief sought by Top Energy Limited in its submission (S483).	Accept in part	Section 5.2.8 Key Issue 8: NT-P6
S399.055	Te Hiku Iwi Development Trust	NT-P6	Not Stated	We support consideration of any relevant iwi/hapū management plan and any consultation with tangata whenua, but consider that "giving consideration" to a matter may still lead to undesirable outcomes. We prefer that these matters be "given regard to" or better yet "given effect to"	Amend Policy NT-P6, in particular point o., as follows: Manage land use and subdivision involving a notable tree or trees to address the effects of the activity requiring resource consent, including (but not limited to) consideration of having regard to		Accept in part	Section 5.2.8 Key Issue 8: NT-P6

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					the following matters where relevant to the application: o) any Cultural Impact Assessment and any consultation with tangata whenua; and			
FS369.353	Top Energy		Support in part	Top Energy seeks to retain this policy as notified.	Allow in part	Retain	Accept in part	Section 5.2.8 Key Issue 8: NT-P6
S502.045	Northland Planning and Development 2020 Limited	NT-R1	Support in part	We have sought the removal of 'or trees' as this rule should only apply to notable trees. Confirmation is sought regarding existing pathways. Where these are sealed but may have cracked, we seek relief that they can they be resealed or repaved without consent? We have added in the words 'of new pathways' to try and capture the formation of new pathways only.	Amend NT-R1 NT-R1 Gardening, mowing and cultivation within the rootzone area of a notable tree of trees Where: PER-1 It does not: 1. involve mechanical cultivation; 2. include sealing or paving of new pathways ; 3. involve the release, injection or placement of chemicals or toxic substances; 4. involve planting of trees; and 5. involve altering of the existing ground level or the disturbance of land other than to the extent necessary to undertake gardening		Reject	Section 5.2.9 Key Issue 9: NT-R1

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FS51.3	Heritage New Zealand Poutere Taonga		Oppose	<p>It is considered that in some instances there may be more than one Notable Tree within a rootzone, and this is how the rule should be read. For clarity the word 'notable' could be added in front of the word 'trees'.</p> <p>HNZPT is also concerned with limiting the sealing or paving to new pathways as resealing or repaving may impact the health of the notable tree(s).</p>	Disallow		Accept	Section 5.2.9 Key Issue 9: NT-R1
FS369.355	Top Energy		Support in part	Top Energy seeks to retain this rule as notified	Disallow in part	Retain	Accept in part	Section 5.2.9 Key Issue 9: NT-R1
S503.029	Waitangi Limited	NT-R1	Not Stated	<p>We have sought the removal of 'or trees' as this rule should only apply to notable trees.</p> <p>Confirmation is sought regarding existing pathways. Where these are sealed but may have cracked, we seek relief that they can they be resealed or repaved without consent? We have added in the words 'of new pathways' to try and capture the formation of new pathways only.</p> <p>Within item 4 the Waitangi Treaty Grounds has been excluded as trees which have significance tend to be planted in close proximity to each other and within the root zones of each other</p>	<p>Amend Rule NT-R1 as follows: NT-R1 Gardening, mowing and cultivation within the rootzone area of a notable tree or trees...</p> <p>It does not:</p> <ol style="list-style-type: none"> 1. ... 2. include sealing or paving of new pathways; 3. ... 4. involve planting of trees with the exception of the Waitangi Treaty Grounds; and ... 5. 		Reject	Section 5.2.9 Key Issue 9: NT-R1
FS51.13	Heritage New Zealand Poutere Taonga		Oppose	HNZPT has concern over the inclusion of the exception of the Waitangi Treaty Grounds, as consideration and the care of the existing significant trees located	Disallow in part		Accept in part	Section 5.2.9 Key Issue 9: NT-R1

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				on the Treaty Grounds is required when planting new trees to ensure those trees, many not scheduled as notable trees in the district plan have national significance and connection with the history of the Treaty Grounds and governance of Aotearoa/New Zealand.				
FS369.356	Top Energy		Support in part	Top Energy seeks to retain this rule as notified	Disallow in part	Retain	Accept	Section 5.2.9 Key Issue 9: NT-R1
S421.131	Northland Federated Farmers of New Zealand	NT-R1	Support	<p>Federated Farmers opposes Rule NT-R1 as it is currently drafted in the proposed district plan. The rule does not provide for mechanical cultivation within the rootzone of a notable tree or trees as a permitted activity.</p> <p>A rootzone area can be 3 times the area of the trees canopy and can vary significantly between tree species. Federated Farmers recommends that the rule is amended to provide for mechanical cultivation within the rootzone area.</p> <p>As well, it is recommended that the Council uses the term 'tree protection zone' instead of the rootzone area. The term 'tree protection zone' is used in a number of plans and policies in New Zealand. It is a term that is recognised by suitably qualified arborists and can easily be calculated by (a) canopy drip line + 1m; (b) trunk diameter at 1.4m height multiplied by 12; and (c) tall narrow trees = $\frac{1}{2} \times \text{Height}$.</p> <p>The tree protection zone will ensure that areas critical to the tree's health are protected and that resource users are able to understand the setbacks required.</p>	<p>Amend Rule NT-R1 as follows: NT-R1 Gardening, mowing and cultivation within the rootzone area Tree Protection Area of a notable tree or trees</p> <p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1</p> <p>It does not: a. involve mechanical cultivation; ...</p> <p>or wording with similar intent</p>		Reject	Section 5.2.9 Key Issue 9: NT-R1

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FS570.1363	Vision Kerikeri 3		Oppose	Oppose to the extent that the submission is inconsistent with our original submissions.	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Accept	Section 5.2.9 Key Issue 9: NT-R1
FS346.365	Royal Forest and Bird Protection Society of New Zealand Inc.		Oppose	The amendments sought will result in a loss of indigenous biodiversity values which is inconsistent with council's functions and responsibilities under section 31(1)(b)(iii) and Section 6 the RMA and do not give effect to the RPS, NPSFM, NPSIB and the NZCPS.	Disallow	Disallow the original submission	Accept	Section 5.2.9 Key Issue 9: NT-R1
FS566.1377	Kapiro Conservation Trust 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Accept	Section 5.2.9 Key Issue 9: NT-R1
FS569.1399	Vision Kerikeri 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Accept	Section 5.2.9 Key Issue 9: NT-R1
S483.134	Top Energy Limited	NT-R1	Support	Top Energy supports this provision as notified.	Retain Rule NT-R1		Accept	Section 5.2.9 Key Issue 9: NT-R1
FS345.185	Ngawha Generation Limited		Support	NGL is a subsidiary of Top Energy Limited. NGL supports all submission points made by Top Energy.	Allow	Allow all of the relief sought by Top Energy Limited in its submission (S483).	Accept	Section 5.2.9 Key Issue 9: NT-R1
S483.135	Top Energy Limited	NT-R2	Not Stated	Top Energy notes there are issues with the wording of this rule that need to be addressed including: - That the restriction on branch diameter to 50mm is unnecessarily restrictive, and inconsistent with other recent district plans in Northland. Top Energy considers that 200mm is a more reasonable branch diameter. Essentially, to maintain a notable tree adjacent to Top Energy assets at 50mm diameter, we would need to prune it annually, which is chargeable	Amend PER-1 of Rule NT-R2 and insert new requirement as follows (or to the same effect): Activity status: Permitted Where: PER-1 The maximum branch diameter must not exceed 5 200mm at severance... PER-XIf the pruning or trimming is required as emergency tree works, PER-1-6 above do not apply.		Accept in part	Section 5.2.10 Key Issue 10: NT-R2 Addressed in the Far North Hearing 12 Addendum to Notable Trees s42A report Section 2.1.10 Key Issue 10: NT-R2

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				to FNDC (after the first trim) or FNDC need to employ someone to prune it annually. Trimming allowances need to be increased to provide for this. - Provision should be made for emergency tree works with no limit on root or branch diameter, in accordance with the definition sought by Top Energy in the Definitions Section.				
FS196.209	Joe Carr		Support		Allow		Accept in part	Section 5.2.10 Key Issue 10: NT-R2 Addressed in the Far North Hearing 12 Addendum to Notable Trees s42A report Section 2.1.10 Key Issue 10: NT-R2
FS351.025	A.W and D.M Simpson		Oppose	Top Energy is seeking to obligate a developer in what already a onerous and challenging process which discourages development or depends on Top Energy approval.	Disallow	Status Quo. No change to wording or PDP.	Accept in part	Section 5.2.10 Key Issue 10: NT-R2 Addressed in the Far North Hearing 12 Addendum to Notable Trees s42A report Section 2.1.10 Key Issue 10: NT-R2
FS371.025	Oromahoe 18R2B2B2 Trust and its associated Hapu, Ngati Kawa, Te Ngare Hauata, Te Matarahurahu, Te Whanaurara,		Oppose	Top Energy is seeking to obligate a developer in what already a onerous and challenging process which discourages development or depends on Top Energy approval	Disallow	Status Quo. No change to wording or PDP.	Accept in part	Section 5.2.10 Key Issue 10: NT-R2 Addressed in the Far North Hearing 12 Addendum to Notable Trees s42A report Section 2.1.10 Key Issue 10: NT-R2

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	Ngati Kaihoro, Ngati Rahiri							
FS449.024	The Proprietors of Tapuaetahi Incorporation		Oppose	Top Energy is seeking to obligate a developer in what already a onerous and challenging process which discourages development or depends on Top Energy approval	Disallow	Status Quo. No change to wording or PDP.	Accept in part	Section 5.2.10 Key Issue 10: NT-R2 Addressed in the Far North Hearing 12 Addendum to Notable Trees s42A report Section 2.1.10 Key Issue 10: NT-R2
FS345.186	Ngawha Generation Limited		Support	NGL is a subsidiary of Top Energy Limited. NGL supports all submission points made by Top Energy.	Allow	Allow all of the relief sought by Top Energy Limited in its submission (S483).	Accept in part	Section 5.2.10 Key Issue 10: NT-R2 Addressed in the Far North Hearing 12 Addendum to Notable Trees s42A report Section 2.1.10 Key Issue 10: NT-R2
S483.136	Top Energy Limited	NT-R3	Support	Top Energy supports this provision as notified.	Retain Rule NT-R3		Accept in part	Section 5.2.15 Key Issue 15: Policies and Rules
FS351.026	A.W and D.M Simpson		Oppose	Top Energy is seeking to obligate a developer in what already a onerous and challenging process which discourages development or depends on Top Energy approval	Disallow	Status Quo. No change to wording or PDP.	Accept in part	Section 5.2.15 Key Issue 15: Policies and Rules
FS371.026	Oromahoe 18R2B2B2 Trust and its associated Hapu, Ngati Kawa, Te Ngare Hauata, Te Matarahurahu, Te Whanaurara,		Oppose	Top Energy is seeking to obligate a developer in what already a onerous and challenging process which discourages development or depends on Top Energy approval.	Allow in part	Status Quo. No change to wording or PDP.	Accept in part	Section 5.2.15 Key Issue 15: Policies and Rules

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	Ngati Kaihoro, Ngati Rahiri							
FS449.025	The Proprietors of Tapuaetahi Incorporation		Oppose	Top Energy is seeking to obligate a developer in what already a onerous and challenging process which discourages development or depends on Top Energy approval	Disallow	Status Quo. No change to wording or PDP	Accept in part	Section 5.2.15 Key Issue 15: Policies and Rules
FS345.187	Ngawha Generation Limited		Support	NGL is a subsidiary of Top Energy Limited. NGL supports all submission points made by Top Energy.	Allow	Allow all of the relief sought by Top Energy Limited in its submission (S483).	Accept in part	Section 5.2.15 Key Issue 15: Policies and Rules
S483.137	Top Energy Limited	NT-R4	Support	Top Energy supports the permitted activity status for pruning of notable trees close to existing electricity lines however considers that clauses PER-2 and PER-3 should be deleted. The works are administered by Top Energy and other parties in accordance with the regulations, and imposing a separate requirement on the qualification level of the arborist is unnecessary. Furthermore, such tree works can be many, and requiring a notification to FNDC for these works is unnecessary and will flood FNDC with information that is ultimately not required	Amend Rule NT-R4 to delete PER-2 and PER-3., being PER-2 The works must be undertaken or supervised by a person that complies with NT-S1 Qualified Arborist – Level 4. PER-3 Council is advised 14 days prior to the work commencing and is provided with written documentation by the arborist undertaking or supervising that they have the qualifications required by NT-S2 Qualified Arborist – Level 6		Accept in part	Section 5.2.11 Key Issue 11: NT-R4 Addressed in Right of Reply Section 3.3.7 Top Energy Limited – NT-R4
FS196.210	Joe Carr		Support	support to avoid unnecessary bureaucracy	Allow		Accept in part	Section 5.2.11 Key Issue 11: NT-R4 Addressed in Right of Reply Section 3.3.7 Top Energy Limited – NT-R4
FS345.188	Ngawha Generation Limited		Support	NGL is a subsidiary of Top Energy Limited. NGL supports	Allow	Allow all of the relief sought by Top Energy Limited in	Accept in part	Section 5.2.11 Key Issue 11: NT-R4

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Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Officer recommendation	Relevant section of S42A Report
				all submission points made by Top Energy.		its submission (S483).		Addressed in Right of Reply Section 3.3.7 Top Energy Limited – NT-R4
S483.138	Top Energy Limited	NT-R5	Support	Top Energy supports this provision as notified, apart from clause PER-1 which requires the infrastructure to be greater than 1m below ground level. This is inconsistent with the 800mm for directional drilling provided for in NT-R6, and also inconsistent with the 650mm provided for in TREE-R2 of the Whangārei District Plan Notable Tree Chapter.	Amend point 1. of Rule NT-R5 (inferred) as follows: 1. is at least 1m 650mm below ground level;		Accept in part	Section 5.2.12 Key Issue 12: NT-R5
FS351.027	A.W and D.M Simpson		Oppose	Top Energy is seeking to obligate a developer in what already a onerous and challenging process which discourages development or depends on Top Energy approval	Disallow	Status Quo. No change to wording or PDP.	Accept in part	Section 5.2.12 Key Issue 12: NT-R5
FS371.027	Oromahoe 18R2B2B2 Trust and its associated Hapu, Ngati Kawa, Te Ngare Hauata, Te Matarahurahu, Te Whanaurara, Ngati Kaihoru, Ngati Rahiri		Oppose	Top Energy is seeking to obligate a developer in what already a onerous and challenging process which discourages development or depends on Top Energy approval.	Disallow	Status Quo. No change to wording or PDP.	Accept in part	Section 5.2.12 Key Issue 12: NT-R5
FS449.026	The Proprietors of Tapuaetahi Incorporation		Oppose	Top Energy is seeking to obligate a developer in what already a onerous and challenging process which discourages development or depends on Top Energy approval	Disallow	Status Quo. No change to wording or PDP.	Accept in part	Section 5.2.12 Key Issue 12: NT-R5
FS345.189	Ngawha Generation Limited		Support	NGL is a subsidiary of Top Energy Limited. NGL supports all submission points made by Top Energy.	Allow	Allow all of the relief sought by Top Energy Limited in	Accept in part	Section 5.2.12 Key Issue 12: NT-R5

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Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Officer recommendation	Relevant section of S42A Report
						its submission (S483).		
S483.139	Top Energy Limited	NT-R8	Not Stated	Top Energy considers that provision needs to be made for the removal of a notable tree that constitutes emergency tree works in accordance with the definition sought earlier.	Amend NT-R8 as follows (or to the same effect): Removal or relocation of a notable tree Activity status: Discretionary PermittedWhere:PER-1The removal is required as emergency tree works. Activity status where compliance not achieved: Not applicable Discretionary		Reject <u>Accept in part</u>	Section 5.2.13 Key Issue 13: NT-R8 Section 2.1.13 Key Issue 13: NT-R8 Far North Hearing 12 Addendum to Notable Trees s42A report
FS196.211	Joe Carr		Support		Allow		Reject <u>Accept in part</u>	Section 5.2.13 Key Issue 13: NT-R8 Section 2.1.13 Key Issue 13: NT-R8 Far North Hearing 12 Addendum to Notable Trees s42A report
FS351.028	A.W and D.M Simpson		Oppose	Top Energy is seeking to obligate a developer in what already a onerous and challenging process which discourages development or depends on Top Energy approval	Disallow	Status Quo. No change to wording or PDP.	Accept <u>Reject</u>	Section 5.2.13 Key Issue 13: NT-R8 Section 2.1.13 Key Issue 13: NT-R8 Far North Hearing 12 Addendum to Notable Trees s42A report
FS371.028	Oromahoe 18R2B2B2 Trust and its associated Hapu, Ngati Kawa, Te Ngare Hauata, Te Matarahurahu, Te Whanaurara,		Oppose	Top Energy is seeking to obligate a developer in what already a onerous and challenging process which discourages development or depends on Top Energy approval	Disallow	Status Quo. No change to wording or PDP.	Accept <u>Reject</u>	Section 5.2.13 Key Issue 13: NT-R8 Section 2.1.13 Key Issue 13: NT-R8 Far North Hearing 12 Addendum to Notable Trees s42A report

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Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Officer recommendation	Relevant section of S42A Report
	Ngati Kaihoro, Ngati Rahiri							
FS449.027	The Proprietors of Tapuaetahi Incorporation		Oppose	Top Energy is seeking to obligate a developer in what already a onerous and challenging process which discourages development or depends on Top Energy approval.	Disallow	Status Quo. No change to wording or PDP.	Accept Reject	Section 5.2.13 Key Issue 13: NT-R8 Section 2.1.13 Key Issue 13: NT-R8 Far North Hearing 12 Addendum to Notable Trees s42A report
FS345.190	Ngawha Generation Limited		Support	NGL is a subsidiary of Top Energy Limited. NGL supports all submission points made by Top Energy.	Allow	Allow all of the relief sought by Top Energy Limited in its submission (S483).	Reject Accept in part	Section 5.2.13 Key Issue 13: NT-R8 Section 2.1.13 Key Issue 13: NT-R8 Far North Hearing 12 Addendum to Notable Trees s42A report
S483.190	Top Energy Limited	NT-R9	Support	Top Energy considers that there is a lack of clarity throughout the PDP in terms of how the Chapters interact with each other, and some consistency. The Overlay chapters are one example and are inconsistent with respect to referencing rules for "activities not otherwise listed". The How the Plan Works chapter includes a statement that indicates some overlays will automatically default to a permitted activity, however resource consent may still be required under other Part 2: District-wide Matters chapters and/or Part 3: Area-Specific chapters (including the underlying zone). Some Chapters include notes which provide some clarity in this regard (e.g. Heritage Overlay) however this isn't consistently applied through the overlays or the District Wide Chapters generally. Some overlays include a catch all	Amend all relevant overlay chapters as necessary to insert rules for "Activities not otherwise listed in this chapter", consistent with zone chapters.		Reject	Section 5.4.14 Key Issue 14: NT-R9

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				'activities not otherwise specified' 'activity status' (e.g. Treaty Settlement Land Overlay). Some overlays don't. This lack of consistency (coupled with inconsistent terminology) will cause confusion for Plan users and ultimately, impact the integrity of the plan. This is particularly relevant in the Overlay chapters where each Overlay chapter has a different approach to activity status default rules. With specific regard to the permitted activity default, it is noted that this could lead unintentional consequences.				
FS78.036	Transpower New Zealand Limited		Support	The submitter support this submission because it will improve the clarity of the proposed plan.	Allow	Allow the original submission.	Reject	Section 5.4.14 Key Issue 14: NT-R9
FS345.241	Ngawha Generation Limited		Support	NGL is a subsidiary of Top Energy Limited. NGL supports all submission points made by Top Energy.	Allow	Allow all of the relief sought by Top Energy Limited in its submission (S483).	Reject	Section 5.4.14 Key Issue 14: NT-R9
S175.001	James Frater	SCHED1 - Schedule of notable trees	Support in part	These are two large Pohutukawa (Metrosideros Excelsa) growing together on the foreshore near a small watercourse about 100 metres from the Northern end of the beach. These trees could be several hundred (800?) years old. I have not seen many, if any, Pohutukawa larger than these.	Insert two new (Pohutukawa) notable trees, on the foreshore, near a small watercourse about 100m from the northern end of the beach at Opunga Cove to the Notable Tree schedule (Opunga Bay Road 0184, DP 133112, Valuation number 00413-23000).		Accept	Section 5.2.16 Key Issue 16: Schedule of Notable Trees
S80.001	Rowena Ralls	SCHED1 - Schedule of notable trees	Support in part	Grandmother to the Skudder family (Mary (May) Adeline Skudder of Skudder's Beach, Kerikeri) planted the Totara Tree on Arbor Day, 1917. The tree is now approximately 105 years old. The tree was planted outside what was the local school house at the time and which is now the Kerikeri Playcentre at 32 Landing Road. The	Insert a notable (Totara) tree at 26 Landing Road, Kerikeri to the Notable Tree schedule.		Accept	Section 5.2.16 Key Issue 16: Schedule of Notable Trees

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Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Officer recommendation	Relevant section of S42A Report
				Skudder's have a history dating back 137 years and are well known in the area. The tree is of significant historical value, due to the Skudder family being pioneers in the area. The tree is registered with the NZ Notable Tree Register and can be viewed at this link: https://register.notabletrees.org.nz/tree/view/1787 The tree has been given a STEM score of 147 points and looks to be in a very healthy condition as I recently visited the area in late September this year.				
S476.001	David Truscott	SCHED1 - Schedule of notable trees	Oppose	Core rot has meant large branches have fallen including onto Clendon Esplanade. Apart from the danger the tree has a significant shading effect and in its current form its spread prejudices the sites development potential. Extra accommodation is needed to secure the financial viability of the scheduled Masonic Hotel.	Delete tree number 137 from schedule 1 Notable Trees		Reject	Section 5.2.16 Key Issue 16: Schedule of Notable Trees
S442.163	Kapiro Conservation Trust	SCHED1 - Schedule of notable trees	Not Stated	Isolated mature kowhai, puriri and pohutukawa trees in the coastal environment may not be adequately protected in the district plan as some patches did not meet the Northland Regional Council minimum mapping unit size and so were not included within an area of high or outstanding natural character.	Insert a rule that requires consent to fell or significantly prune isolated mature indigenous trees such as pohutukawa within the coastal environment OR Expand Schedule 1 - Schedule of Notable trees to include all these trees.		Reject	Section 5.2.16 Key Issue 16: Schedule of Notable Trees
FS67.90	The Shooting Box Limited		Oppose	The submission lacks specificity of outcome and additions of trees to the list of scheduled trees sought should be specifically identified.	Disallow		Accept	Section 5.2.16 Key Issue 16: Schedule of Notable Trees
FS68.89	P S Yates Family Trust		Oppose	The submission lacks specificity of outcome and additions of trees to the list of scheduled trees sought should be specifically identified.	Disallow		Accept	Section 5.2.16 Key Issue 16: Schedule of Notable Trees

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Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Officer recommendation	Relevant section of S42A Report
FS69.87	Setar Thirty Six Limited		Oppose	The submission lacks specificity of outcome and additions of trees to the list of scheduled trees sought should be specifically identified.	Disallow		Accept	Section 5.2.16 Key Issue 16: Schedule of Notable Trees
FS66.166	Bentzen Farm Limited		Oppose	The submission lacks specificity of outcome and additions of trees to the list of scheduled trees sought should be specifically identified.	Disallow		Accept	Section 5.2.16 Key Issue 16: Schedule of Notable Trees
FS534.057	Waiaua Bay Farm Limited		Oppose	WBFL questions if the pruning of trees is a resource management issue that warrants these sort of consent requirements. The relief sought would generate a high volume of consent applications, particularly if all indigenous tree species (regardless of conservation status) are captured by this approach. WBFL suggests that non-regulatory management measures may be more appropriate, with consent requirements remaining focussed on managing scheduled notable trees	Disallow	disallow the original submission	Accept	Section 5.2.16 Key Issue 16: Schedule of Notable Trees
FS346.774	Royal Forest and Bird Protection Society of New Zealand Inc.		Support	The amendments sought give effect to the NPS FM, the RPS and Part 2 of the RMA and the NPS IB. Forest & Bird supports the full submission other than where the relief sought would conflict with that sought in Forest & Birds submission.	Allow	Allow the original submission	Reject	Section 5.2.16 Key Issue 16: Schedule of Notable Trees
S179.085	Russell Protection Society (INC)	SCHED1 - Schedule of notable trees	Not Stated	The Morton Bay Fig tree located at the historic Police house (Customs' House) along The Strand in Russell is probably the most photographed tree in Northland, if not New Zealand. it was with some surprise that we discovered that this important tree is not on the Schedule of Notable trees. The NZ Police have now clearly signaled that they intend to sell this	Insert the morton bay Fig tree at the Custom's house in Russell to the Schedule of Notable trees		Accept	Section 5.2.16 Key Issue 16: Schedule of Notable Trees

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Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Officer recommendation	Relevant section of S42A Report
				property and to relocate the current community policeman elsewhere. this would leave the historic Morton Bay Fig Tree without any form of protection. From all accounts the tree is in good health and with judicious pruning would remain for years to come for tourists and locals alike to enjoy. it would be unconscionable for this much admired tree to be lost				
FS51.115	Heritage New Zealand Poutere Taonga		Support	HNZPT supports the protection through scheduling of this notable historic tree.	Allow		Accept	Section 5.2.16 Key Issue 16: Schedule of Notable Trees
S154.001	James Frater	SCHED1 - Schedule of notable trees	Support in part	It is said that the French explorer and merchant Marion du Fresne and some of his crew were killed under this tree, during the visit of the French ships Mascarin and Marquis de Castries to the Bay of Islands in 1772. (Ref. L G Kelly, Marion du Fresne at the Bay of Islands 1951, and Dame Anne Salmond, Between Worlds 1994). It is now 250 years since the French visit.	Insert new notable tree (Pohutukawa) situated in Te Hue Cove (otherwise known as Assassination Cove). The tree is situated at the shore-ward end of an old wharf and beneath an Historic Places Plaque erected in 1972 on the 200th anniversary of the event. The tree would be located on Lot 17, DP 41892, Tauri Bay Road Russell 0272 (a public accessway).		Accept	Section 5.2.16 Key Issue 16: Schedule of Notable Trees
FS51.137	Heritage New Zealand Poutere Taonga		Support	HNZPT is supportive of the scheduling of notable trees that have identified historic heritage values. The purpose of HNZPT is to promote the identification, protection, preservation and conservation of historical and cultural heritage and advocates for regulatory and non-regulatory methods to do so.	Allow		Accept	Section 5.2.16 Key Issue 16: Schedule of Notable Trees
S580.001	Haami Piripi ONZM	SCHED1 - Schedule of notable trees	Not Stated	The submitter contends that the pohutukawa tree located at Morangai (an ancient site of Māori occupation) at Ahipara, requires protection as it is of cultural significance and has a rich provenance within local history.	Amend Schedule 1 - Schedule of notable trees to include the pohutukawa tree at Morangai, Ahipara, to be protected.		Accept	Section 5.2.16 Key Issue 16: Schedule of Notable Trees

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FS51.283	Heritage New Zealand Poutere Taonga		Support	HNZPT is supportive of scheduling these identified trees due to their cultural significance.	Allow	Accept	Accept	Section 5.2.16 Key Issue 16: Schedule of Notable Trees
FS348.027	Alec Brian Cox		Oppose	The submission was not made by the closing date and is therefore not a valid submission under RMA	Disallow	I seek that the whole of the submission be disallowed	Reject	Section 5.2.16 Key Issue 16: Schedule of Notable Trees
S451.019	Pacific Eco-Logic	SCHED1 - Schedule of notable trees	Not Stated	Isolated mature kowhai, puriri and pohutukawa trees in the coastal environment may not be adequately protected in the district plan as some patches did not meet the Northland Regional Council minimum mapping unit size and so were not included within an area of high or outstanding natural character	Insert a rule that requires consent to fell or significantly prune isolated mature indigenous trees such as pohutukawa within the coastal environment OR Expand Schedule 1 - Schedule of Notable trees to include all these trees		Reject	Section 5.2.16 Key Issue 16: Schedule of Notable Trees
FS332.206	Russell Protection Society		Support	The original submission aligns with our values. The Russell Protection Society has a purpose of promoting wise and sustainable development that compliments the historic and special character of Russell and its surrounds.	Allow	Allow the original submissions.	Reject	Section 5.2.16 Key Issue 16: Schedule of Notable Trees
FS570.1524	Vision Kerikeri 3		Support	Support to the extent the submission is consistent with our original submissions.	Allow	Allow to the extent that the submission is consistent with our original submission	Reject	Section 5.2.16 Key Issue 16: Schedule of Notable Trees
FS566.1538	Kapiro Conservation Trust 2		Support	Support to the extent that the submission is consistent with our original submission	Allow	Allow to the extent that the submission is consistent with our original submission	Reject	Section 5.2.16 Key Issue 16: Schedule of Notable Trees
FS569.1560	Vision Kerikeri 2		Support	Support to the extent that the submission is consistent with our original submission	Allow	Allow to the extent that the submission is consistent with our original submission	Reject	Section 5.2.16 Key Issue 16: Schedule of Notable Trees
S451.022	Pacific Eco-Logic	SCHED1 - Schedule of notable trees	Support in part	Schedule 1 - Schedule of notable trees is incomplete, as many notable indigenous trees and groups of trees	Delete all pest plants from Schedule 1 - Schedule of notable trees so that they can be progressively removed as seed sources		Accept in part	Section 5.2.16 Key Issue 16: Schedule of Notable Trees

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Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Officer recommendation	Relevant section of S42A Report
				have been excluded The Far North has many notable pohutukawa outside of existing forests that are vulnerable to human disturbance (including clearance for views), possums and myrtle rust This Schedule protects some invasive alien pest plant specimens, which is inappropriate	being distributed far and wide by birds and wind Insert additional notable pohutukawa in the Bay of Islands and elsewhere, including many fringing the water margins and contributing to its natural character Insert tall matai and kauri on the north shore of the Waikare Inlet			
FS332.209	Russell Protection Society		Support	The original submission aligns with our values. The Russell Protection Society has a purpose of promoting wise and sustainable development that compliments the historic and special character of Russell and its surrounds.	Allow	Allow the original submission.	Accept in part	Section 5.2.16 Key Issue 16: Schedule of Notable Trees
FS570.1527	Vision Kerikeri 3		Support	Support to the extent the submission is consistent with our original submissions.	Allow	Allow to the extent that the submission is consistent with our original submission	Accept in part	Section 5.2.16 Key Issue 16: Schedule of Notable Trees
FS566.1541	Kapiro Conservation Trust 2		Support	Support to the extent that the submission is consistent with our original submission	Allow	Allow to the extent that the submission is consistent with our original submission	Accept in part	Section 5.2.16 Key Issue 16: Schedule of Notable Trees
FS569.1563	Vision Kerikeri 2		Support	Support to the extent that the submission is consistent with our original submission	Allow	Allow to the extent that the submission is consistent with our original submission	Accept in part	Section 5.2.16 Key Issue 16: Schedule of Notable Trees
S442.166	Kapiro Conservation Trust	SCHED1 - Schedule of notable trees	Support in part	Schedule 1 - Schedule of notable trees is incomplete, as many notable indigenous trees and groups of trees have been excluded The Far North has many notable pohutukawa outside of existing forests that are vulnerable to human disturbance (including clearance for views), possums and myrtle rust This Schedule protects some invasive alien pest plant specimens, which is inappropriate	Delete all pest plants from Schedule 1 - Schedule of notable trees so that they can be progressively removed as seed sources being distributed far and wide by birds and wind. Insert additional notable pohutukawa in the Bay of Islands and elsewhere, including many fringing the water margins and contributing to its natural character. Insert tall matai and kauri on the north shore of the Waikare Inlet.		Accept in part	Section 5.2.16 Key Issue 16: Schedule of Notable Trees

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Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Officer recommendation	Relevant section of S42A Report
FS346.777	Royal Forest and Bird Protection Society of New Zealand Inc.		Support	The amendments sought give effect to the NPS FM, the RPS and Part 2 of the RMA and the NPS IB. Forest & Bird supports the full submission other than where the relief sought would conflict with that sought in Forest & Birds submission.	Allow	Allow the original submission	Accept in part	Section 5.2.16 Key Issue 16: Schedule of Notable Trees
S576.001	Ahipara Takiwā	SCHED1 - Schedule of notable trees	Support	The submitter states that in November 2017, the Council asked Far North residents to nominate exceptional trees they thought deserving of special protection under its Schedule of Notable Trees. Unfortunately, the inclusion of the pohutukawa tree at Moringai, 233 Foreshore Road, Ahipara was overlooked due to the lack of resourcing to complete this work. The tree was protected by the consent notice issued by FNDC in 2003, but, upon review at the Environment Court Hearing (2005), the protection was not upheld, and a replacement consent notice was issued it should be noted that the Environment Court did not undertake a full hearing but instead worked with the various parties involved in the appeal namely Melville Holding Ltd (the applicant), the then-named Historic Places Trust (Heritage Trust) and FNDC. Several submissions from Iwi asked for the tree to be protected and the Council's hearing report included full protection of the tree in perpetuity. The original decision also protected the tree as lot 1 was a reserve. Following an appeal, Lot 1 was no longer included in the reserve and the tree was not protected other than by private covenant. The tree has been recognized as significant from iwi and there has been submissions asking for protection.	Amend Schedule 1 - Schedule of notable trees to include the pohutukawa tree at Moringai, at 233 Foreshore Road, Ahipara to be protected (inferred).		Accept	Section 5.2.16 Key Issue 16: Schedule of Notable Trees

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Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Officer recommendation	Relevant section of S42A Report
FS348.255	Alec Brian Cox		Oppose	The submission was not made by the closing date and is therefore not a valid submission under RMA	Disallow	I seek that the whole of the submission be disallowed	Reject	Section 5.2.16 Key Issue 16: Schedule of Notable Trees
S579.001	Ahipara Takiwā	SCHED1 - Schedule of notable trees	Support	The submitter states that in November 2017, the Council asked Far North residents to nominate exceptional trees they thought deserving of special protection under its Schedule of Notable Trees. Unfortunately, the inclusion of the pohutukawa tree at Moringai, 233 Foreshore Road, Ahipara was overlooked due to the lack of resourcing to complete this work. The tree was protected by the consent notice issued by FNDC in 2003, but, upon review at the Environment Court Hearing (2005), the protection was not upheld, and a replacement consent notice was issued it should be noted that the Environment Court did not undertake a full hearing but instead worked with the various parties involved in the appeal namely Melville Holding Ltd (the applicant), the then-named Historic Places Trust (Heritage Trust) and FNDC. Several submissions from Iwi asked for the tree to be protected and the Council's hearing report included full protection of the tree in perpetuity. The original decision also protected the tree as lot 1 was a reserve. Following an appeal, Lot 1 was no longer included in the reserve and the tree was not protected other than by private covenant. The tree has been recognized as significant from iwi and there has been submissions asking for protection.	Amend Schedule 1 - Schedule of notable trees to include the pohutukawa tree at Moringai, at 233 Foreshore Road, Ahipara to be protected (inferred).		Accept	Section 5.2.16 Key Issue 16: Schedule of Notable Trees

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Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Officer recommendation	Relevant section of S42A Report
FS348.261	Alec Brian Cox		Oppose	The submission was not made by the closing date and is therefore not a valid submission under RMA	Disallow	I seek that the whole of the submission be disallowed	Reject	Section 5.2.16 Key Issue 16: Schedule of Notable Trees
S588.015	Walter (Wally) Hicks	NT-R8	Support	Corrects an Error or Oversight	Retain correction to Rule NT-R8 as notified in Plan Variation 1		<u>Accept</u> <u>Accept in part</u>	<u>Section 5.2.13 Key Issue 13: NT-R8</u> <u>Section 2.1.13 Key Issue 13: NT-R8 Far North Hearing 12 Addendum to Notable Trees s42A report</u>
<u>S483.022</u>	<u>Top Energy Limited</u>	<u>New Definition</u>	<u>Not Stated</u>	<u>In accordance with Top Energy's feedback on the Notable Trees chapter (see below), Top Energy consider that a definition of "emergency tree works" should be included in the DP consistent with the definition used in the Whangārei District Plan Notable Trees chapter.</u>	<u>Insert a new definition for 'emergency tree works' as follows:</u> <u>means the pruning or maintenance or removal of any tree or vegetation immediately necessary to avoid any actual and imminent threat to the safety of persons or of damage to property, or to maintain or restore power or telecommunications infrastructure.</u>		<u>Accept</u>	<u>Section 2.1.1 Key Issue 1: Definitions</u> <u>Far North Hearing 12 Addendum to Notable Trees s42A report</u>
<u>FS131.005</u>	<u>Oromahoe Land Owners: AW and DM Simpson, R.A.S Ltd, Arran Trust, Garry Stanners, Errol McIntyre, SW Halliday, SJ and PM Boys, Oromahoe 18R2B2B2 Trust and Tapuaetahi Incorporation</u>		<u>Oppose</u>	<u>This risks the original submitter being able to override all environmental, landowner rights, Māori cultural and human rights. The original submitter should be required to properly engage and consult the land owners and mana whenua.</u>	<u>Disallow</u>		<u>Reject</u>	<u>Section 2.1.1 Key Issue 1: Definitions</u> <u>Far North Hearing 12 Addendum to Notable Trees s42A report</u>
<u>FS345.073</u>	<u>Ngawha Generation Limited</u>		<u>Support</u>	<u>NGL is a subsidiary of Top Energy Limited. NGL supports all submission points made by Top Energy.</u>	<u>Allow</u>		<u>Allow</u>	<u>Section 2.1.1 Key Issue 1: Definitions</u> <u>Far North Hearing 12 Addendum to</u>

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								Notable Trees s42A report
FS541.003	Errol James McIntyre		Oppose	only in cases of emergency should unrestricted access be given. another example of erosion of property rights. if our property is taken or damaged we must get compensation	Disallow		Reject	Section 2.1.1 Key Issue 1: Definitions Far North Hearing 12 Addendum to Notable Trees s42A report